REMARKS

The Applicant respectfully requests further examination and consideration in view of the amendments above and the arguments set forth fully below. Prior to the most recent Office Action, claims 1-18 were pending in this application. Within the Office Action, claims 1-18 are rejected. By the above amendments, claims 1, 12, and 16 are amended. Accordingly, claims 1-18 are currently pending in this application.

Decision On Appeal

Within the Decision On Appeal, previous rejection of claims 1-11 under 35 U.S.C. § 101 is reversed; previous rejection of claims 1-11 under 35 U.S.C. § 112, first paragraph is affirmed; and previous rejection of claims 1-9 and 12-18 under 35 U.S.C. § 102(e) is affirmed.

Rejections Under 35 U.S.C. § 112

Claims 1-11 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Specifically, the independent claim 1 is rejected because the limitation "the remote devices do not include remote access server software or remote control system software" is contradicted by the Present Specification, which specifies that remote access is achieved. Within the Decision On Appeal, it is stated that "the Specification discloses that remote access to e-mail is achieved using 'open application' or non-proprietary software..., as opposed to the 'proprietary software'...disclosed in the 'Background of the Invention.'" By the above amendments, the independent claim 1 is amended to specify that the remote devices include open standard application software for accessing a server, but do not include proprietary software for accessing the server. Specifically, the independent claim 1 is amended to include the limitation "the remote devices include open application standard remote access software to establish the remote access session, but do not include proprietary remote access server software or proprietary remote control system software." Support for this amendment is found in the Present Specification, page 5, lines 1-5 and lines 16-20; page 6, lines 1-4; page 12, line 10. Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. § 112, first paragraph be withdrawn.

Rejections Under 35 U.S.C. § 102

Claims 1-9 and 12-18 stand rejected under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent No. 6,757,712 to Bastian (hereinafter Bastian). By the above amendments, the independent claim 1 includes the limitation "establishing a remote access session with one of the remote devices at an internet central server system, wherein the remote devices include open application standard remote access software to establish the remote access session, but do not include proprietary remote access server software or proprietary remote control system software" (emphasis added), the independent claim 12 includes the limitation "a server system in operative communication with at least one remote device and at least one base computer responsive to establishment of a respective connection by said base computer and said remote device, wherein the at least one remote device includes open application standard remote access software to establish a remote access session with the server system" (emphasis added), and the independent claim 16 includes the limitation "the mobile device includes open application standard remote access software to establish a remote access session with the intermediary server."

Bastian teaches on column 9, lines 32-51:

> "Preferably installer software is provided to each user of the system. More preferably the installer software is obtainable from one or more of the following sources: pre-flight access to an Internet site; pre-flight e-mail; floppy disk; or any other suitable means. Typically different installer software will be required for use with different operating systems. In use, the installer software is executed by the passenger either during or prior to the flight. The software adds a new PPP service. The details of how such a PPP service is added will vary between different operating systems, but will be familiar to those skilled in the art. In circumstances where the installer software is provided inflight, the software, once loaded into the passenger's terminal, changes the dial-up networking settings as required and starts the PPP service.
>
> Internet client applications such as HTML browsers and e-mail applications subsequently started by the passenger then obtain Internet services from server 20 over the PPP service." (Emphasis added)

As such, the access system of Bastian requires that a remote access device (terminals 40 or access points 30) include proprietary remote access software (installer software) to establish a PPP connection between the terminal and the server 20 (Bastian, col. 9, lines 14-31). Although

Bastian does teach the use of an open application standard software (browser), the browser is only used in addition to the installer software, after the PPP connection is established. Bastian does not teach using an open application standard remote access software to establish a connection between the remote access device and the server, as claimed. Accordingly, the amended independent claims 1, 12, and 16, and the respective dependent claims 2-11, 13-15, and 17-18, are each allowable over Bastian.

For the reasons given above, the Applicant respectfully submits that the claims are in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, the Examiner is encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,

HAVERSTOCK & OWENS LLP

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Thomas B. Haverstock
Reg. No.: 32,571
Attorneys for Applicants